

1 KEKER & VAN NEST LLP
2 ROBERT A. VAN NEST - #84065
rvannest@kvn.com
3 CHRISTA M. ANDERSON - #184325
canderson@kvn.com
4 633 Battery Street
San Francisco, CA 94111-1809
5 Telephone: 415.391.5400
Facsimile: 415.397.7188

6 KING & SPALDING LLP
7 SCOTT T. WEINGAERTNER (*Pro Hac
Vice*)
sweingaertner@kslaw.com
8 ROBERT F. PERRY
rperry@kslaw.com
9 BRUCE W. BABER (*Pro Hac Vice*)
10 1185 Avenue of the Americas
New York, NY 10036
11 Tel: 212.556.2100
Fax: 212.556.2222

12 Attorneys for Defendant
13 GOOGLE INC.

KING & SPALDING LLP
DONALD F. ZIMMER, JR. - #112279
fzimmer@kslaw.com
CHERYL A. SABNIS - #224323
csabnis@kslaw.com
101 Second St., Suite 2300
San Francisco, CA 94105
Tel: 415.318.1200
Fax: 415.318.1300

IAN C. BALLON - #141819
ballon@gtlaw.com
HEATHER MEEKER - #172148
meekerh@gtlaw.com
GREENBERG TRAURIG, LLP
1900 University Avenue
East Palo Alto, CA 94303
Tel: 650.328.8500
Fax: 650.328.8508

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 ORACLE AMERICA, INC.,

18 Plaintiff,

19 v.

20 GOOGLE INC.,

21 Defendant.

22 Case No. 3:10-cv-03561-WHA

23 **DEFENDANT GOOGLE INC.'S
RESPONSES TO PLAINTIFF'S
REQUESTS FOR ADMISSION, SET ONE**

24 Judge: Hon. William H. Alsup

25 Date Comp. Filed: October 27, 2010

26 Trial Date: October 31, 2011

1 Subject to the foregoing objections and the General Objections and without waiver or
 2 limitation thereof, and to the extent that this request is understood, Google admits that Android
 3 developers employed by Google had access to publicly available, unrestricted documentation for
 4 Java 2 Standard Edition Version 5.0 before November 5, 2007.

5 **REQUEST FOR ADMISSION NO. 168:**

6 Admit that Android developers employed by Google accessed the specifications for Java
 7 2 Standard Edition Version 5.0 during the development of Android.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 168:**

9 In addition to its General Objections, Google objects to this Request for Admission as
 10 overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of
 11 admissible evidence to the extent it seeks information not related to any party's claims or
 12 defenses or any relevant subject matter at issue. Google also objects to this Request for
 13 Admission as unreasonably cumulative or duplicative to the extent that it seeks information that
 14 is more conveniently or less expensively obtained from another source or that is publicly
 15 available. Google further objects to this Request for Admission as vague and ambiguous as to
 16 the phrases "Android developers employed by Google," "accessed the specifications for Java 2
 17 Standard Edition Version 5.0," and "during the development of Android" and as to the term
 18 "Android" as defined by Plaintiff.

19 Subject to the foregoing objections and the General Objections and without waiver or
 20 limitation thereof, and to the extent that this request is understood, Google admits that Android
 21 developers employed by Google had access to publicly available, unrestricted documentation for
 22 Java 2 Standard Edition Version 5.0 before November 5, 2007.

23 **REQUEST FOR ADMISSION NO. 169:**

24 Admit that contractors hired by Google (or its agents) to work on Android had access to
 25 the specifications for Java 2 Standard Edition, Version 5.0 before November 5, 2007.

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 169:**

27 In addition to its General Objections, Google objects to this Request for Admission as
 28 overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of

1 DATED: August 4, 2011
2
3

KING & SPALDING LLP

4 By: /s/ Scott T. Weingaertner
5
6

7 SCOTT T. WEINGAERTNER (*Pro Hac Vice*)
8 sweingaertner@kslaw.com
9 ROBERT F. PERRY
10 r Perry@kslaw.com
11 BRUCE W. BABER (*Pro Hac Vice*)
12 bbaber@kslaw.com
13 1185 Avenue of the Americas
14 New York, NY 10036-4003
15 Telephone: (212) 556-2100
16 Facsimile: (212) 556-2222

17 ROBERT A. VAN NEST (SBN 84065)
18 rvannest@kvn.com
19 CHRISTA M. ANDERSON (SBN 184325)
20 canderson@kvn.com
21 KEKER & VAN NEST LLP
22 710 Sansome Street
23 San Francisco, CA 94111-1704
24 Telephone: (415) 391-5400
25 Facsimile: (415) 397-7188

26 DONALD F. ZIMMER, JR. (SBN 112279)
27 fzimmer@kslaw.com
28 CHERYL A. SABNIS (SBN 224323)
csabnis@kslaw.com
KING & SPALDING LLP
101 Second Street – Suite 2300
San Francisco, CA 94105
Telephone: (415) 318-1200
Facsimile: (415) 318-1300

IAN C. BALLON (SBN 141819)
ballon@gtlaw.com
HEATHER MEEKER (SBN 172148)
meekerh@gtlaw.com
GREENBERG TRAURIG, LLP
1900 University Avenue
East Palo Alto, CA 94303
Telephone: (650) 328-8500
Facsimile: (650) 328-8508

ATTORNEYS FOR DEFENDANT
GOOGLE INC.

CERTIFICATE OF SERVICE

I hereby certify that on this day, August 4, 2011, I served a true and correct copy of DEFENDANT GOOGLE INC.'S RESPONSES TO PLAINTIFF'S REQUESTS FOR ADMISSION, SET ONE via e-mail on the following individuals:

David Boies
Boies Schiller and Flexner
333 Main Street
Armonk, NY 10504
914-749-8201
Fax: 914-749-8300
Email: Dboies@bsflp.com

Matthew M Sarboraria
Oracle Corporation
500 Oracle Parkway, 5OP7
Redwood Shores, CA 94065
650/ 506-1372
Email: Matthew.sarboraria@oracle.com

Deborah Kay Miller
Oracle USA, Inc Legal Department
500 Oracle Parkway
Redwood Shores, CA 94065
(650) 506-0563
Email: Deborah.Miller@oracle.com

Michael A Jacobs
Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, CA 94304-1018
650-813-5600
Fax: 650-494-0792
Email: MJacobs@mofo.com

Dorian Estelle Daley
500 Oracle Parkway
Redwood City, CA 94065
(650) 506-5200
Fax: (650) 506-7114
Email: Dorian.daley@oracle.com

Daniel P. Muino
Morrison & Foerster LLP
425 Market Street
San Francisco, CA 94105
(415) 268-7475
Email: DMuino@mofo.com

Marc David Peters
Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, CA 94304
(650) 813-5600
Fax: (650) 494-0792
Email: Mdeters@mofo.com

Steven Christopher Holtzman
Boies, Schiller & Flexner LLP
1999 Harrison Street
Suite 900
Oakland, CA 94612
510-874-1000
Fax: 510-874-1460
Email: Sholtzman@bsfllp.com

Executed on August 4, 2011.

/s/ Mark H. Francis
Mark H. Francis